

Mayor Bill Seuell called the meeting to order at 7:00 p.m. Also present were Councilmembers Robert Jurca, Mary Cooper, Jim Berger, and Kay Carlquist, along with City Manager Lanny Sloan and City Attorney Mike Schottelkotte. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

Pledge of Allegiance

The Mayor led everyone present in the Pledge of Allegiance.

Changes to the Agenda

There were none.

Minutes

It was moved by Councilmember Carlquist and seconded by Councilmember Jurca to approve the minutes of August 7, 2007, as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

There were none.

Financial Report

Finance Director Tod DeZeeuw presented the financial report for the period ending July 31, 2007.

Public Hearing: Special Events Liquor Permit Application; North Fork Valley Public Radio, Inc. (KVNF)

The Mayor closed the regular meeting and convened the public hearing.

The Clerk reported that North Fork Valley Public Radio, Inc. (KVNF) has applied for a permit to sell liquor for the beer garden to be held in conjunction with the Delta-Uncompagne Blues Festival scheduled for September 21 and 22, 2007 in Confluence Park. The application is complete and the required fees have been paid. The location was posted for ten days prior to this hearing and no comments, either for or against approval of the application, have been received.

Brian Cambria was present representing KVNF and responded to questions from Council.

The Mayor called for public comment. When there was none, he closed the public hearing and reconvened the regular meeting.

It was moved by Councilmember Berger and seconded by Councilmember Carlquist to approve KVNF's application for a special events liquor permit for September 21 and 22, 2007. All in favor, motion carried.

Public Hearing: Special Events Liquor Permit Application; Altrusa International, Inc.

The Mayor closed the regular meeting and convened the public hearing.

The Clerk reported that North Fork Altrusa International, Inc. has applied for a permit to sell liquor at their fundraiser to be held at the recreation center on November 16 and 17, 2007. The application is complete and the required fees have been paid. The location was posted for ten days prior to this hearing and no comments, either for or against approval of the application, have been received.

The Mayor asked for public comment. When there was none, he closed the public hearing and reconvened the regular meeting.

It was moved by Councilmember Jurca and seconded by Councilmember Cooper to approve Altrusa's application for a special events liquor permit for November 16 and 17, 2007. All in favor, motion carried.

Regular Meeting, Delta City Council, August 21, 2007 (Cont.)

Appointments to Community Resources Advisory Committee

City Manager Sloan reminded Council that two positions on the newly created Community Resources Advisory Committee remain to be filled. Two candidates have come forward to fill the two remaining positions – Paul Stamsen and Terry Osborne.

It was moved by Councilmember Carlquist and seconded by Councilmember Berger to appoint Paul Stamsen and Terry Osborne to the Community Resources Advisory Committee. All in favor, motion carried.

Riverwalk Subdivision Preliminary Plat

Community Development Director Glen Black reported that property owner CJ Delta Capital, LLC, represented by Jack Petruccelli, proposes to divide this 135-acre parcel into 241 lots. He stated that a preliminary plat for this subdivision located on 1600 Road was approved by City Council on August 22, 2006. Several changes to the plat, along with the amount of time elapsed since original approval, have prompted the developer to resubmit the preliminary plat.

The Planning Commission reviewed the new preliminary plat at their August 6th meeting, and recommended approval subject to the following conditions:

- Developer will obtain from CDOT a new access permit which will allow construction of 100 homes prior to installation of the traffic signal at Highway 50 and 1600 Road. [The access permit originally issued required installation of the signal before ANY homes could be built.]
- Extend road improvements through 477 1600 Road (Timberline Plumbing) including asphalt, curb, gutter and sidewalk.
- Since the developer does not wish to build restrooms in the park, authorize the park to be maintained by the HOA.
- Construct a privacy fence the length of the subdivision along 1600 Road not less than six feet tall of rusty metal and cedar in combination with landscaping berms.
- Details of berms, fence and landscaping will be worked out with staff.
- Include a plat note requiring all units to be at least 1100 square feet or greater in size, meaning each side of a duplex would be at least 1100 square feet.
- All corrections must be made to the preliminary plat as redlined by staff, and three copies must be submitted.
- Minor corrections must be made to the construction drawings as redlined, and three wet-stamped paper sets must be accepted.
- The subdivision must meet all applicable City of Delta requirements, standards and specifications.
- Council approval of this plat will render all previous submittals null and void.
- The final plat must be submitted within two years following approval of the preliminary plat.
- A pre-construction meeting must be held before commencement of construction.

Council discussed the park issue at length. The consensus was that the City does need a public park in the area where the subdivision is located. It was also agreed that maintenance of such a large park would probably prove to be a financial burden on the HOA.

However, Council was concerned about the location of the park and suggested it would better serve the citizens as a public park if it were located on 1600 Road, rather than in the interior of the large subdivision as shown on the preliminary plat. They also agreed that restrooms would be needed.

Council agreed it would be appropriate to table approval of the subdivision until the developer can be approached about changing the location and providing restrooms.

It was moved by Councilmember Berger and seconded by Councilmember Carlquist to table the River Walk Subdivision preliminary plat. All in favor, motion carried.

Fox Hollow Estates, Filing No. 4, Final Plat

Community Development Director Black noted that the final plat for Filing No. 4 of Fox Hollow Estates did not require review by the Planning Commission since no substantive changes have been made to the preliminary plat approved by Council on December 21, 2004. The current filing creates fourteen lots as shown on the plat distributed to Council with their Agenda packets.

Regular Meeting, Delta City Council, August 21, 2007 (Cont.)

Fox Hollow Estates, Filing No. 4, Final Plat (Cont.)

Staff had reviewed the final plat submittal and recommended approval subject to the following conditions:

- All corrections must be made to the final plat as redlined by staff and two signed mylars must be submitted and accepted.
- Minor corrections must be made to the as-built drawings as redlined, and one wet-stamped mylar set and one wet-stamped paper set must be submitted and accepted.
- The pond volume must be certified by an engineer as being adequate for the development at this stage.
- A Subdivision and Lien Agreement must be entered into securing outstanding improvements.
- All applicable City of Delta requirements, standards and specifications must be met.

Councilmember Jurca asked about a time frame for the completion of Muskrat Street, which is designed to provide access from the subdivision to Fifth Street. Mr. Black explained that the developer will be developing Antelope Street rather than Muskrat Street in order to provide access via 5th Street by the 2008 deadline contained in the Subdivision Improvements Agreement.

It was moved by Councilmember Berger and seconded by Councilmember Jurca to approve the Final Plat for Fox Hollow Estates, Filing No. 4, subject to staff recommendations. All in favor, motion carried.

Council Bill #20, 2007; First Reading; Rezoning of 1457 and 1459 Highway 50

The Community Development Director reported that Bray & Company has applied to rezone this 153 acre parcel from the current A-1 zoning to B-3. Bray is planning a mixed development, including residential and business uses. Mr. Black pointed out that Bray & Company has the property surrounding Devil's Thumb Golf Course under contract, and the development for this property will complement development of the golf course property. Eventually, it will even provide another access to property surrounding the golf course.

The Planning Commission held a public hearing and reviewed the request at their August 6th regular meeting and recommended approval of the rezoning.

Council Bill #20, 2007

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,
CHANGING THE ZONING DESIGNATION OF PROPERTY AT
1457 AND 1459 HIGHWAY 50 FROM AN A-1 DISTRICT TO A B-
3 DISTRICT

was read by the Clerk.

It was moved by Councilmember Cooper and seconded by Councilmember Carlquist to adopt Council Bill #20, 2007 on first reading. Roll call vote: Councilmembers Jurca, aye; Cooper, aye; Berger, aye; Carlquist, aye; and Seuell, aye. Motion carried.

Retail Liquor Store License Renewal Application: Grand Valley Liquors

The Clerk reported that the renewal application for Grand Valley Liquors is complete and that the fees have been paid. The Police Department reported no liquor code violations during the past year and recommended approval of the renewal.

It was moved by Councilmember Carlquist and seconded by Councilmember Jurca to approve the retail liquor store license renewal application for Grand Valley Liquors. All in favor, motion carried.

Resolution #20, 2007; Fee for Disinterment of Cremains

Resolution #20, 2007

A RESOLUTION OF THE CITY OF DELTA, COLORADO,
AMENDING SECTION 4.1.6(c) OF THE CITY'S CEMETERY
REGULATIONS

Regular Meeting, Delta City Council, August 21, 2007 (Cont.)

Resolution #20, 2007 (Cont.)

was read by the Clerk.

The City Clerk reported that a recent request for disinterment of cremated remains led to this recommendation to amend the City's cemetery regulations to include a separate fee for disinterment of cremains. The amount recommended is \$150, which is the same fee charged to inter cremated remains.

In answer to a question from Councilmember Berger, Parks Division Director Paul Suppes explained what is required in the way of crew and equipment for a disinterment of cremains.

It was moved by Councilmember Berger and seconded by Councilmember Cooper to adopt Resolution #20, 2007. Roll call vote: Councilmembers Jurca, aye; Cooper, aye; Berger, aye; Carlquist, aye; and Seuell, aye. Motion carried.

Council Bill #21, 2007; First Reading; Circulation Period for Nomination Petitions

Council Bill #21, 2007

AN ORDINANCE OF THE CITY OF DELTA, COLORADO
ADDING A NEW CIRCULATION PERIOD FOR NOMINATION
PETITIONS, AND A NEW DEADLINE FOR AMENDING SUCH
PETITIONS, IN MAIL BALLOT ELECTIONS

was read by the Clerk.

The City Clerk recalled that prior to the April 2006 election, the provision in the State's Mail Ballot Statute which allowed circulation of nomination petitions from the 91st day before the election until the 71st day before the election was removed from the Statute. This left municipalities not participating in coordinated elections only the Municipal Election Code to follow. The Municipal Election Code specifies that petitions are to be circulated from the 50th day before the election to the 30th day before the election. Adding the "cure" period found in the Municipal Election Code, which ends the 22nd day before the election, may provide as little as seven days to print the ballots before they are required to be mailed beginning 25 days before the election.

As a Home Rule City, Delta can adopt its own regulations for elections. Staff is recommending adoption of an ordinance which would set the circulation period for nomination petitions in mail ballot elections to begin the 70th day before the election and end the 50th day before the election.

It was moved by Councilmember Carlquist and seconded by Councilmember Berger to adopt Council Bill #21, 2007 on first reading. Roll call vote: Councilmembers Jurca, aye; Cooper, aye; Berger, aye; Carlquist, aye; and Seuell, aye. Motion carried.

Recreation Center Flooring

City Manager Sloan explained that funds were included in the 2007 budget for new floor coverings for the recreation center. The project was to include carpeting, hardwood flooring, and rubber flooring. When the project was initially bid, one of the two responding bidders (Abbey Carpet) was asked to resubmit their bid for the rubber flooring. When they did not respond in a timely manner, it was determined that only one qualified bidder had responded (Guthrie's Floor Coverings).

In the meantime, further research revealed a carpet product of higher quality than that originally bid, so staff rebid the carpet portion of the project, specifying the higher quality product. After reviewing the new carpet bids, staff recommends accepting the Guthrie's Floor Covering bid in the amount of \$100,745.55 for the entire project.

It was moved by Councilmember Jurca and seconded by Councilmember Carlquist to award the Recreation Center Flooring Project to Guthrie's Floor Coverings in the amount of \$100,745.55. All in favor, motion carried.

Regular Meeting, Delta City Council, August 21, 2007 (Cont.)

Sale of Water to Chipeta Water District

Manager Sloan reported that the Chipeta Water District has offered to purchase 200 acre-feet of water from the Tri County Water Conservancy District. Tri-County has, in turn, asked if any of the other agencies participating in Project 7 would be interested in selling this water to Chipeta. All the other agencies have indicated they are not interested in doing so. Delta's staff also feels that such a sale would not be beneficial to the City of Delta and have recommended that Council decline the offer.

It was moved by Councilmember Berger and seconded by Councilmember Jurca to decline Chipeta Water District's offer to purchase water. All in favor, motion carried.

Ordinance #19, 2007; Second and Final Reading; Initial Zoning for a Portion of Jennings Landing Addition No. 3

Ordinance #19, 2007

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,
PROVIDING INITIAL ZONING FOR A PORTION OF THE
JENNINGS LANDING ADDITION NO. 3

was introduced as Council Bill #19, 2007, and read by the Clerk.

It was moved by Councilmember Berger and seconded by Councilmember Cooper to adopt Council Bill #19, 2007 on second and final reading. Roll call vote: Councilmembers Jurca, aye; Cooper, aye; Berger, aye; Carlquist, aye; and Seuell, aye. Council Bill #19, 2007 was adopted on second and final reading as Ordinance #19, 2007.

City Attorney Comments

City Attorney Schottelkotte reported on a seminar concerning legal issues in emergency management he had recently attended.

City Manager Comments

The City Manager reported that earlier in the day, he and Utilities Director Fay Mathews had accompanied the State dam inspector as he toured the City's dams on the lower Grand Mesa water system.

A budget work session was scheduled for August 28, 2007 at 7:00 p.m.

Councilmember Comments

Councilmember Cooper reported on a recent Airport Advisory Board meeting at which a number of projects were discussed. At that meeting, Ms. Cooper reinforced the concept that if City water and sewer are desired, annexation will be required.

Councilmember Cooper also asked if the Community Resources Advisory Committee could discuss ways of "freshening up" Deltarado Days.

The meeting was adjourned at 8:33 p.m.

Mary Lynn Williams, CMC, City Clerk